

REMARKS

Claims 1-23 are pending in the application. No claims have been amended, added, or cancelled.

Prior Rejections

Applicant notes and appreciates withdrawal of the prior rejections.

35 U.S.C. § 102 and § 103 Rejections

In the present Office Action, claims 1-3, 8, 10-11, 15-18 and 20-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,945,987 (hereinafter "Dunn"), in view of U.S. Patent No. 6,453,471 (hereinafter "Klosterman"). In addition, claim 9 stands rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman. Claims 4 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Klosterman in further view of U.S. Patent No. 6,378,130 (hereinafter "Adams"). Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman, in further view of U.S. Patent No. 6,144,402 (hereinafter "Norsworthy"). Claim 6 stands rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman, in further view of U.S. Patent No. 7,032,028 (hereinafter "Clay"). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) over Dunn in view of Klosterman, in further view of U.S. Patent No. 5,861,906 (hereinafter "Dunn2").

Applicant respectfully traverses the above rejections and requests reconsideration in view of the following discussion.

In the present Office Action, it is suggested that claims 1, 10, 16, 18 and 20 are unpatentable over Dunn in view of Klosterman. However, Applicant disagrees.

It is first noted that Dunn merely discloses a video-on-demand system in which previews of available videos are displayed from which a viewer may select an associated program to be ordered. Dunn discloses:

"FIGS. 12-14 show a method for operating the interactive system in the VOD mode. . . . Beginning with step 216 in FIG. 12, the viewer activates the VOD application by switching the STB to the designated VOD channel. Initial data is received by the STB from the headend (step 218). Such data might include category lists, star lists, new releases lists, or other information that is useful in the startup phase. At step 220, the VOD application initiates the preview browse user interface and the initial screen display 70 (FIG. 3) is depicted.

The default set of "new releases" trailers are shown. . . . If the viewer wishes to select a new group of programs, the viewer can actuate the "choices" button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224).

At the headend, a search of the SQL database is conducted to locate program records which meet the search criteria (step 226). . . . At step 228, the set of program records that meet the criteria are sent back to the requesting STB in the form of data packet 120 (FIG. 8). This packet includes the program monikers and IDs, and the trailer monikers and IDs.

At step 230, the viewer actuates the "preview" icon button 142 (FIGS. 5 and 9) to request play of the first preview video trailer in the program set. This request is sent to headend, which begins transmitting the preview of the first trailer in the group in response (step 232).

Back at the STB, the previews of the requested set of programs are displayed on the TV set (step 234 in FIG. 12) and the program and trailer monikers are queued in the same order that the trailers are played (step 236 in FIG. 13). As described above, the viewer can

watch the trailers as they are presented, or skip through them at the viewer's own pace." (Dunn, col. 12, lines 5-47).

From the above it can be seen that Dunn discloses an STB receives initial data from the headend and default previews are displayed. A viewer then specify criteria (e.g., a star name) and transmit a corresponding request to the headend. The headend uses the request to locate records matching the criteria and returns data in response (i.e., the list of matches). The viewer may then request play of a trailer from the list of matches by sending a request to the headend. In response to the viewer request, the headend transmits the trailer.

In the present Office Action, the examiner admits that Dunn does not disclose the recited broadcast carousel and the recited modules not being broadcast responsive to a client request. The examiner then cites Klosterman as disclosing those features which are absent and suggests the combination of Dunn and Klosterman meet the presently claimed invention. However, Klosterman simply discloses a preview channel in which trailers are repeatedly transmitted in a carousel or a loop. A viewer may For example, Klosterman discloses:

"The present invention is a method and system for providing video previews for particular programs selected from an electronic programming guide." (Klosterman, col. 1, lines 58-60).

"FIG. 10 depicts alternative ways of transmitting the trailers. One trailer bit stream can transmit a single trailer as a carousel 900. Thus, for a particular show the preview controller 706 selects the particular bit stream and the trailer will be displayed with no perceptible delay. Alternatively, a plurality of trailers can be transmitted as a single bit stream. Each trailer is included on a carousel 902. In this embodiment, less bandwidth is required but there may be a perceptible delay before a particular trailer is displayed." (Klosterman, col. 10, lines 40-48).

"In the preferred embodiment, the user can activate a guide entry for a particular movie and view a preview, known as a trailer, of the movie in a preview window 12 displayed on the screen. The entry may be activated by first moving the pointer/cursor over the entry in the guide

and then clicking to activate the preview or activation can be self-actuated whenever the pointer/cursor is moved over an entry. In a preferred embodiment the preview window 12 is sized so that the video can be smaller to reduce bandwidth requirements.” (Klosterman, col. 2, lines 56-65).

“FIG. 7 is a block diagram of one embodiment of the invention and FIG. 8 is flow chart depicting the steps to previewing a program. Referring to FIGS. 7 and 8, an EPG system 700 performs the database engine and user interface functions as described above. An EPG video signal 702 is provided as a primary signal to be displayed on a first portion of a display screen by a picture-in-picture (PIP) controller 704.

A preview controller 706 is provided information identifying a particular program selected by the user. The preview controller 706 controls the decoder 36 to tune to the band carrying the preview bitstream, . . . identify a preview packet corresponding to the program identified by the viewer, and . . . provide an auxiliary video signal displaying the preview video corresponding to the selected program. Additionally, if the preview includes audio the preview controller causes the decoder to process audio bits in the preview packet and provide an audio signal to the television set.” (Klosterman, col. 10, lines 11-31).

Accordingly, Klosterman merely discloses a list of available previews are provided to a viewer. The viewer may select a trailer/preview video from provided list. The selected trailer is then displayed. In one embodiment, the trailers are transmitted on a carousel. Applicant submits the combination of Dunn and Klosterman does not provide the presently claimed invention. It is noted that Dunn already discloses the display of trailers in a continuous loop. For example, Dunn discloses:

“A viewer enters the VOD application by switching to the designated VOD channel on the set-top box, either by random channel surfing or by directly switching to that channel. When the STB tunes to the VOD channel, a continuous loop of “new releases” trailers are immediately displayed.” (Dunn, col. 6, lines 51-56).

While Dunn does not disclose transmitting the trailers in a carousel, it would appear that the only thing Klosterman adds to Dunn with respect to the above is the

provision of a list of available trailers to the viewer. However, combining Dunn with a list of available trailers and transmitting trailers on a preview channel in a carousel does not result in the claimed invention. In such a combination, there is no connection between the request sent by the viewer to the headend (i.e., the request for a new group of trailers in Dunn) and the retrieval of pushed modules (i.e., selecting a trailer for preview from a list in Klosterman) as recited. Rather, the combination merely results in the VOD system of Dunn with a list of available trailers for preview from a preview channel (the trailers being transmitted on the preview channel in a carousel). In such a system, the viewer could request conveyance of a new set of trailers which may then be conveyed in response to the request. Therefore, a viewer may simply select for display a non-requested trailer from a predetermined list – or, a viewer may request conveyance of further trailers and select from the requested and returned trailers.

As can be seen, such a system is not equivalent to the recited method which includes:

“broadcasting a plurality of modules in a broadcast carousel from a server to a plurality of client devices on a single channel, the plurality of modules in the broadcast carousel corresponding to a plurality of programs, each of said plurality of modules in the broadcast carousel having a unique module number, wherein said plurality of modules are not broadcast responsive to a client request;
sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting;
receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria;
sending the qualifying module number to the client device;
receiving the qualifying module number at the client device; and
retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module.”

It is also noted that Dunn discloses a system wherein a list is purposefully not utilized. For example, Dunn discloses:

“This invention provides an interactive entertainment network system with a video-on-demand (VOD) application that is like having a video store in your own home. . . . preview video trailers for the set of programs are displayed. The VOD application permits the viewer to browse the trailers at their own rate, skipping forward to the next trailer or backward to the previous trailer. If the viewer settles on a particular program, the VOD application allows the user to rent the program immediately from the trailer being displayed on their television set, without returning to a menu or other order screen.” (Dunn, col. 2, lines 23-36). (emphasis added).

Accordingly, Dunn may further be seen to teach away from the list type approach of Klosterman. For at least the above reasons, Applicant submits that claim 1 is patentably distinguished from the cited art, taken either singly or in combination. In addition, as each of independent claims 10, 16, 18 and 20 include similar features, each of these claims is believed patentably distinguished for similar reasons.

Further, each of the dependent claims recite additional features not disclosed by the combination of cited art. For example, claim 3 recites the additional features:

“a viewer generating a video request based upon said displayed information, said video being associated with said first module;
sending said video request to said server; and
sending a video corresponding to said video request from the server to the client device.”

In the present Office Action, it is suggested that all of these additional features are disclosed by Dunn. Regarding claim 3, it is suggested that ‘said video being associated with said first module’ is met by Dunn Fig. 13. Applicant respectfully submits that the combination of Dunn and Klosterman does not disclose all the features of claim 3. As noted above, Dunn merely discloses a video-on-demand system in which previews of available videos are displayed from which a viewer may select an associated program to be ordered. More specifically, Dunn discloses:

“When the STB tunes to the VOD channel, a continuous loop of “new releases” trailers are immediately displayed. These trailers are a predefined group of about 20-40 of the newest video programs that are presently available for rent. The trailers are displayed in a sequential fashion, one after another, to entice a viewer to stay on the VOD channel, watch more previews, and ultimately order a program.” (Dunn, col. 6, lines 54-61)

“The default set of “new releases” trailers are shown. If the viewer remains passive, the “new releases” trailers will run in a continuous loop, one after another. If the viewer wishes to select a new group of programs, the viewer can actuate the “choices” button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224).

At the headend, a search of the SQL database is conducted to locate program records which meet the search criteria (step 226). . . . At step 228, the set of program records that meet the criteria are sent back to the requesting STB.” (Dunn, col. 12, lines 17-33).

“At step 230, the viewer actuates the “preview” icon button 142 (FIGS. 5 and 9) to request play of the first preview video trailer in the program set. This request is sent to headend, which begins transmitting the preview of the first trailer in the group in response (step 232).” (Dunn, col. 12, lines 37-41).

From the above excerpts it can be seen that Dunn discloses an STB tunes to the VOD channel and default previews are displayed. A viewer then may send specific criteria (e.g., a star name) to the headend to be matched to specific programs and trailers. The headend responds with a set of matches. The STB may then request a preview of one of the matches. The request is transmitted to the headend, which then transmits the first preview to the STB in response to the request. Having viewed the previews, the viewer may ultimately order a program.

In contrast to the teachings of Dunn, the first module as recited in claim 1 is (1) not broadcast responsive to a client request and (2) matches a received qualifying module number, which corresponds to the search criteria. In order for Dunn’s requested program

being associated with the previews to be equivalent to the recited “video being associated with said first module,” as suggested, one of Dunn’s previews would have to be equivalent to the first module. However, Dunn’s previews are either from a default set and hence not corresponding to the search criteria, or non-default and hence broadcast in response to a client request. Therefore, Dunn’s previews are not equivalent to the claimed qualifying modules.

Therefore, Applicant does not agree that the combination of Dunn and Klosterman provides all of the features of claim 3. In addition, as claims 11, 17, 18, and 22 include similar features, claims 11, 17, 18, and 22 are believed patentably distinguished for similar reasons.

Still further, Applicant does not find the features of claim 8, 15, 19, and 23 disclosed by Dunn. On page 5 of the Office Action, it is suggested that Dunn discloses the features “sending a selected advertisement associated with the search request to the client device.” However, the cited portion of Dunn simply states:

“At step 238, it is determined whether the viewer has skipped to a next or previous trailer. If so (i.e., the “yes” branch from step 238), flow continues in FIG. 14 with step 250 of retrieving the next/previous moniker in the queue. This moniker is transmitted to the headend (step 252) and used to retrieve the appropriate trailer video stream from the CMS database (step 254). The next/previous trailer is then transmitted back to the STB (step 256). In this manner, the STB stops playing the existing trailer and begins playing the next/previous trailer on the TV (step 258). This process gives the viewer control to surf through the clips. Additionally, there is no screen dead time between trailers as the next/preview trailer begins upon cessation of the present trailer.” (Dunn, col. 12, lines 48-61). (emphasis added).

Applicant submits the next/previous trailer is not equivalent to “a selected advertisement associated with the search request.” Accordingly, claims 8, 15, 19, and 23 are patentably distinguishable from the combination of cited art.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,

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